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WYNN LAS VEGAS, LLC

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TIARE RAMIREZ, an individual;,  
Plaintiff,

vs.

WYNN LAS VEGAS, LLC; DOES I  
through X; and ROE Corporations XI  
through XX, inclusive;,  
Defendant.

Case No. 2:19-cv-01174-APG-DJA

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**  
**(Second Request)**

**STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES**

The parties, by and through their respective counsel of record, hereby stipulate and request that the deadline to complete discovery, and all corresponding deadlines in the Court's Scheduling Order (ECF No. 31), be extended by ninety (90) days.

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1           **A.     DISCOVERY COMPLETED:**

2           Both parties have exchanged their initial disclosures required under Fed. R. Civ. P.  
3 26(a)(1)(A). Plaintiff served her initial disclosures on September 9, 2019, and her first  
4 supplemental disclosures on November 1, 2019. Defendant served its initial disclosures on  
5 September 10, 2019, its first supplemental disclosures on November 1, 2019, and its second  
6 supplemental disclosures on April 17, 2020. Defendant responded to Plaintiff's first sets of  
7 interrogatories, requests for admission, and requests for production of documents on  
8 November 1, 2019. Plaintiff responded to Defendant's first sets of interrogatories and  
9 requests for production of documents on November 1, 2019.

10           On December 6, 2019, Defendant issued third-party subpoenas for Plaintiff's  
11 employment, education and medical records. Plaintiff objected to and moved to quash the  
12 subpoenas for Plaintiff's employment and education records (ECF No. 23). Defendant  
13 withdrew the subpoenas for Plaintiff's education records but maintained its request for  
14 Plaintiff's employment records from Caesars Palace and Able Baker Brewing. The parties  
15 fully briefed the issue regarding the discoverability of Plaintiff's employment records and on  
16 January 31, 2020, Magistrate Judge Albregts granted in part and denied in part Plaintiff's  
17 Motion to Quash Third-Party Subpoenas (ECF No. 26).

18           Plaintiff subsequently filed Objections to Magistrate Judge Albregts' Order, which  
19 District Judge Gordon affirmed by Order dated March 3, 2020 (ECF No. 32). Thereafter,  
20 Defendant issued amended subpoenas to Caesars Palace and Able Baker Brewing for  
21 Plaintiff's employment records in accordance with District Judge Gordon's Order. To date,  
22 Defendant has received a response to its subpoena from Caesars Palace but has not received  
23 a response from Able Baker Brewing. Additionally, Defendant has not yet received Plaintiff's  
24 medical records from her treating healthcare provider, D. Ted Cohen. It is unclear whether  
25 Able Baker Brewing's and Dr. Cohen's non-compliance with the subpoenas is related to  
26 COVID-19 business restrictions and related operational issues.

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**B. STATEMENT SPECIFYING THE DISCOVERY THAT REMAINS TO BE COMPLETED**

Plaintiff anticipates taking the deposition of Defendant Wynn Las Vegas, LLC pursuant to Federal Rule of Civil Procedure 30(b)(6). Plaintiff also anticipates taking the depositions of individuals with knowledge of the facts and circumstances surrounding the allegations in the Complaint. Such individuals are anticipated to include Jeralynn Makaiwi, Karen Sanchez, Melissa Espino-Cascos, and Tia Gibson.

Defendant anticipates taking the depositions of Plaintiff Tiare Ramirez and her treating physician, Dr. Ted Cohen.

**C. THE REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY PLAN**

The original close of discovery was to take place on April 10, 2020 (ECF No. 16). However, on February 14, 2020, Plaintiff's lead counsel experienced a family medical emergency which required his immediate attention. Therefore, the parties agreed to extend discovery for a period of sixty (60) days, which this Court approved on February 28, 2020 (ECF No. 31).

Since that time, the COVID-19 pandemic developed which has created significant obstacles in the parties' ability to conduct discovery in the normal course. Most notably, Defendant temporarily closed its operations to the public and furloughed hundreds of employees in accordance with Governor Sisolak's Executive Orders declaring an emergency on March 12, 2020, and ordering all non-essential businesses and gaming operations to cease, which have been subsequently extended until further notice. Additionally, all Nevada schools have been ordered closed for the remainder of the school year. As a result, witnesses who are likely to be deposed in this case are not readily accessible or available to participate in discovery. Therefore, the parties seek a further extension of discovery to address the aforementioned challenges caused by the COVID-19 pandemic. This request is not sought for any improper purpose or other reason of delay. No party is prejudiced by the requested extension.

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**D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:**

**1. Discovery Cut-Off**

The discovery cut-off shall be extended from June 9, 2020 to **Monday, September 7, 2020**.

**2. Amending the Pleadings and Adding Parties**

The deadline to move to amend the pleadings and parties has closed. No such request to amend the pleadings and parties is requested.

**3. Expert Disclosure**

The deadline to name initial experts has closed. No such request to disclose experts or rebuttal experts is requested.

**4. Dispositive Motions**

In accordance with Local Rule 26-1(b)(4), the last day for filing dispositive motions including, but not limited to motions for summary judgment, shall be extended from July 10, 2020 to **Wednesday, October 7, 2020**.

**5. Pre-Trial Order**

In accordance with Local Rule 26-1(b)(5), the last day to file a Joint Pre-Trial Order, including any disclosures pursuant to FRCP 26(a)(3), shall be extended from August 10, 2020 to **Friday, November 6, 2020**. In the event dispositive motions are filed, the date for filing the Joint Pre-Trial Order shall be suspended until thirty (30) days after the decision on the dispositive motions or upon further order by the Court extending the time period in which to file the Joint Pre-Trial Order.

**6. Fed. R. Civ. P. 26(a)(3) Disclosures**

If no dispositive motions are filed, and unless otherwise ordered by this Court, the parties shall file the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto with the Pretrial Order pursuant to LR 26-1(e)(6) in the Joint Pretrial Order, not more than thirty (30) days after the date set for filing dispositive motions and, therefore, not later than **Friday, November 6, 2020** (extended from August 10, 2020).

1                               **7. Trial and Calendar Call**

2                   No trial has been set in this matter.

3           Dated: April 27, 2020

                  Dated: April 27, 2020

4           Respectfully submitted,

                  Respectfully submitted,

5  
6           /s/ Christian Gabroy, Esq.

7           CHRISTIAN GABROY, ESQ.  
8           KAINE MESSER, ESQ.  
                  GABROY LAW OFFICES

9           Attorney for Plaintiff

/s/ Sandra Ketner, Esq.

                  WENDY MEDURA KRINCEK, ESQ.  
                  SANDRA KETNER, ESQ.  
                  LITTLER MENDELSON, P.C.

                  Attorneys for Defendant  
                  WYNN LAS VEGAS, LLC

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11                               **ORDER**

12                   IT IS SO ORDERED.

13                   DATED THIS 28th DAY OF April, 2020.

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15                   \_\_\_\_\_  
16                   UNITED STATES MAGISTRATE JUDGE

17                   4847-9504-1211.1 067538.1036